

Practitioner's Docket No. P4947US/2**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: Thomas Buser, et al.

Serial No: 09 / 069751

Group No.: 1614

Filed: 04/30/98

Examiner: K. Jordan

For: TREATING OF....

☐ *Patent No.:

Issue Date:

*NOTE: Preferably also insert inventor's name and invention title.

Assistant Commissioner for Patents
Washington, D.C. 20231RECEIVED
TECH CENTER 1600/2900
99 APR -2 AM 11:24**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(c))****Identification of Person(s) Making This Disclaimer**I, Eric S. Spector

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.

WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.

- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☐ A statement under 37 C.F.R. 3.73(b) is attached.

WARNING: See the above "WARNING".

- ☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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- ☐ deposited with the United States Postal Service as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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Signature _____

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(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 1 of 4)

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMER
(if applicable)

The assignee is

Name of assignee _____

Address of assignee _____

Title of disclaimer authorized to sign on behalf of assignee _____

EXTENT OF DISCLAIMERANT'S INTEREST

The extent of the interest in this invention that the disclaimer owns is in:

- ☐ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

(state the exact interest of the disclaimer)

RECORDAL OF ASSIGNMENT IN PTO
(if applicable)

- ☐ The assignment was recorded on _____
Reel _____
Frame _____
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(if applicable)

- ☐ Attached is a STATEMENT UNDER 37 C.F.R. 3.73(b) establishing the right of the assignee to take action in this case.

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 2 of 4)

DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

☒ United States Patent No. 5792795, as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number
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is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

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this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

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in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS

(37 C.F.R. 1.20(d))

☒ Other than a small entity—fee \$110.00.

☐ Small entity—fee \$55.00.

☐ A statement is attached.

☐ A statement was already filed

optional

☐ in patent application _____

☐ on _____

Date

FEE PAYMENT

- ☐ Attached is a check in the sum of \$_____.
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- ☒ Charge Deposit Account 10-1213 the sum of \$ 110.00.
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Date: 04/02/99

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SIGNATURE OF PRACTITIONER OF RECORD

Eric S. Spector

(type or print name of practitioner)

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Arlington, VA 22202

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 4 of 4)